



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Paper No. 45

Thomas D. Paul  
Fulbright and Jaworski  
1301 McKinney, Suite 5100  
Houston, TX 77010-3095

**COPY MAILED**

In re Patent No. 5,582,989 :  
Issue Date: December 10, 1996 :  
Application No. 08/315,673 :NOTICE  
Filed: September 30, 1994 :

**OCT 16 1998**

**SPECIAL PROGRAMS OFFICE  
DAC FOR PATENTS**

This is a supplemental notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc., No. 97-1128, -1280, -1453, 1998 U.S. App. LEXIS 21409, at \*30 (Fed. Cir. Sept. 1, 1998). Therefore, your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to the Files Repository.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects